UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

Civil Action No. 3:20-cv-482-KDB-DSC

JOHNATHAN S. HENSLEY, on behalf of himself and others similarly situated,)))
Plaintiff,	DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT AND
v .	MOTION FOR JUDGMENT ON THE PLEADINGS
CITY OF CHARLOTTE, a North Carolina municipal corporation,	Fed. R. Civ. Pro. 12(b)(1) and 12(c)
Defendant.	,

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, and Local Civil Rule 7.1, Defendant City of Charlotte by and through counsel, hereby respectfully moves the Court for an Order dismissing, with prejudice, all claims asserted against Defendant in the Plaintiff's Complaint (Doc. 1) in this matter. Alternatively, Defendant respectfully moves, pursuant to Federal Rule of Civil Procedure 12(c), for Judgment on the Pleadings in favor of Defendant.

Dismissal is appropriate pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure because Plaintiff lacks standing and, as a result, the Court lacks subject matter jurisdiction over Plaintiff's claims. Alternatively, judgment in Defendant's favor is appropriate pursuant to Rule 12(c) of the Federal Rules of Civil Procedure for the reasons set forth in Defendant's Memorandum of Law.

In support of this Motion, Defendant relies upon the pleadings of record in this action and the Memorandum of Law in Support of Defendant's Motion to Dismiss and Motion for Judgment on the Pleadings submitted contemporaneously herewith.

WHEREFORE, Defendant hereby requests that the Court issue an Order dismissing the Plaintiff's Complaint in its entirety and with prejudice.

RESPECTFULLY SUBMITTED, this the 11th day of June 2021.

CRANFILL SUMNER LLP

BY: /s/Stephanie H. Webster

Stephanie H. Webster, NC Bar #12164 Patrick H. Flanagan, NC Bar #17407

Attorneys for Defendant

P.O. Box 30787 Charlotte, NC 28230 Telephone (704) 332-8300

Facsimile (704) 332-9994

phf@cshlaw.com swebster@cshlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2021 I electronically filed the foregoing **Defendant's**Motion to Dismiss and Motion for Judgment on the Pleadings with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

J. David Stradley	John F. Bloss
Robert P. Holmes, IV	Frederick L. Berry
White & Stradley, PLLC	Higgins Benjamin, PLLC
3105 Charles B. Root Wynd	301 North Elm Street, Suite 800
Raleigh, NC 27612	Greensboro, NC 27401
919-844-0400	366-273-1600
stradley@whiteandstradley.com	jbloss@greensborolaw.com
rob@whiteandstradley.com	fberry@greensborolaw.com
Andrew H. Brown	
James R. Faucher	
Brown, Faucher, Peraldo & Benson,	
PLLC	
822 North Elm Street, Suite 200	
Greensboro, NC 27401	
336-478-6000	
drew@greensborolawcenter.com	
james@greensborolawcenter.com	

CRANFILL SUMNER LLP

BY: /s/Stephanie H. Webster

Stephanie H. Webster, NC Bar #12164

Attorneys for Defendant

P.O. Box 30787 Charlotte, NC 28230 Telephone (704) 332-8300 Facsimile (704) 332-9994 swebster@cshlaw.com